

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HERMÉS OF PARIS, INC.,

Petitioner,

- against -

MATTHEW SWAIN,

Respondent.
----- X

Civil Action No. 1:16-cv-06255-CM-GWG

Electronically Filed

AFFIDAVIT OF SERVICE

I, Richard Minervino, was on the dates herein mentioned, over the age of eighteen years and not a party to the action captioned above. I am a process server for DGR – The Source for Legal Support, located as 1359 Littleton Road, Morris Plains, New Jersey. In my capacity as a process server, on August 8, 2016 I was assigned to serve the following documents on Matthew Swain, whose primary residence was identified as 5 Lawrence Street, Bloomfield, New Jersey 07006: Attorney cover letter; Notice of Petition to Compel Arbitration and Enjoin State Court Action; Petition to Compel Arbitration and Enjoin Pending State Court Action Pursuant to Section 4 of the Federal Arbitration Act and the Anti-Injunction Act; Civil Cover Sheet; Rule 7.1 Disclosure Statement; Memorandum of Law in Support of Petition to Compel Arbitration and to Enjoin Pending State Court Action; and Declaration of Lawrence R. Sandak in Support of Petition to Compel Arbitration and Enjoin Pending State Court Action with Exhibits A through E.

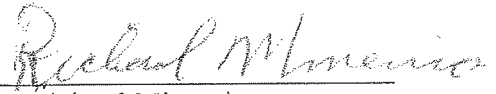
The location provided for Mr. Swain, 5 Lawrence Street, Bloomfield, New Jersey, is the address of the Parkway Lofts, a 361 unit apartment building. At 4:57 p.m. on August 8, 2016, I spoke with the concierge of Parkway Lofts, Anthony Mattarazzo, to inquire as to Mr. Swain's apartment number. The concierge notified me that Mr. Swain was unknown to him and not listed in the building directory. Upon further diligence by DGR, the apartment number for Matthew Brian Swain was identified as 706.

At 5:22 p.m. on August 8, 2016, I returned to the concierge desk with Mr. Swain's apartment number, 706. The concierge would not allow me to go up to the apartment without consent from the apartment occupant or owner. The concierge called the apartment, but there was no answer. I left a note with the concierge for Mr. Swain and/or the owner of apartment 706 which identified myself as a process server, provided my telephone number and asked that Mr. Swain call me.

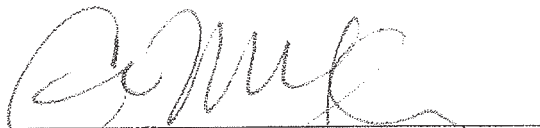
At 8:05 p.m. I received a telephone call from Mr. Swain. He stated that he resided at 5 Lawrence Street, Apt. 706, Bloomfield, New Jersey and that he was away for the week in upstate New York and travelling out of state the following week. He said he would not allow his co-resident to accept service. He informed me that he had an attorney and that all papers should be

served upon his attorney. He said that he would not accept service of any papers at this address. After my discussion with Mr. Swain, I understand that DGR informed counsel for Hermés of Paris, Inc. concerning the circumstances of my efforts to serve Mr. Swain and of the substance of my telephone conversation with him. I was then instructed by DGR to cease attempting service until further notice.

I, Richard Minervino, being duly sworn, certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Richard Minervino

Sworn to me this ^{23rd} day of August, 2016


Notary Public

CARINA M. YTURBE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/26/2020

Exhibit 2

Sandak, Lawrence R.

From: Chris <chager@n-blaw.com>
Sent: Monday, August 08, 2016 7:56 PM
To: Sandak, Lawrence R.
Subject: Re: Swain v. Hermes of Paris

Larry, it appears that your firm is attempting to contact my client directly, despite knowing he is represented by counsel. Obviously cease and desist with any such contacts.

If you need something, contact me.

Thanks,

Chris

Sent from my iPhone

On Aug 1, 2016, at 5:16 PM, Sandak, Lawrence R. <LSandak@proskauer.com> wrote:

Thanks Chris. Enjoy your vacation.

Lawrence R. Sandak
Partner

Proskauer
One Newark Center
Newark, NJ 07102-5211
d 973.274.3256
f 973.274.3299
lsandak@proskauer.com

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From: Chris [<mailto:chager@n-blaw.com>]
Sent: Monday, August 01, 2016 4:31 PM
To: Sandak, Lawrence R.
Subject: Re: Swain v. Hermes of Paris

Larry, I have been with my family, so I apologize for any delay in responding. You haven't missed anything and will be served with the complaint this week.

Thanks,

Chris

Sent from my iPhone

On Jul 29, 2016, at 5:55 PM, Sandak, Lawrence R. <LSandak@proskauer.com> wrote:

Chris,

When we spoke last week, I agreed to accept service of the Complaint. At that point, you did not have the docket number. Since then, I have received nothing from you and, to my knowledge, service was not made in any other manner. I just wanted to be certain that I had not missed anything. Please advise.

Thanks.

Larry

Lawrence R. Sandak
Partner

Proskauer
One Newark Center
Newark, NJ 07102-5211
d 973.274.3256
f 973.274.3299
lsandak@proskauer.com

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Exhibit 3

Sandak, Lawrence R.

From: Sandak, Lawrence R.
Sent: Tuesday, August 09, 2016 5:26 PM
To: chager@n-blaw.com
Cc: Guerrasio, Edna D.
Subject: FW: Hermés of Paris, Inc. v. Matthew Swain, Civil Action No. 1:16-cv-06255-CM-GWG
Attachments: 2 - Civil Cover Sheet.PDF; 3 - Rule 7.1 Disclosure Statement.PDF; 1 - Petition.PDF; 4 - Notice of Petition.PDF; 5 - Memorandum of Law.PDF; 6 - Declaration of LRS w_exhibits.PDF; Individual Practices and Procedures of Judge Colleen McMahon.PDF; Individual Practices of Magistrate Judge Gabriel W. Gorenstein.PDF; ECF Rules and Instructions.PDF; Matthew Swain 8.8.16.PDF

Dear Chris:

As discussed earlier today, on behalf of Hermés of Paris, Inc., I attach for service the following documents:

- Cover letter dated August 8, 2016 addressed to Matthew Swain;
- Civil Cover Sheet;
- Rule 7.1 Disclosure Statement;
- Petition to Compel Arbitration and Enjoin Pending State Court Action Pursuant to Section 4 of the Federal Arbitration Act and the Anti-Injunction Act;
- Notice of Petition to Compel Arbitration and Enjoin State Court Action;
- Memorandum of Law in Support of Petition to Compel Arbitration and to Enjoin Pending State Court Action;
- Declaration of Lawrence R. Sandak in Support of Petition to Compel Arbitration and Enjoin Pending State Court Action (with Exhibits A thru E);
- Individual Practice Rules of Judge Colleen McMahon;
- Individual Practice Rules of Magistrate Judge Gabriel W. Gorenstein; and
- Electronic Case Filing Rules & Instructions.

As you will see once you enter an appearance on behalf of Mr. Swain, this matter has been assigned to Judge McMahon who has scheduled an initial pre-hearing conference for October 7, 2016.

Thank you for agreeing to accept service on behalf of Mr. Swain. We will file the appropriate certificate of service with the court.

Larry

Lawrence R. Sandak
Partner

Proskauer
One Newark Center
Newark, NJ 07102-5211
d 973.274.3256
f 973.274.3299
lsandak@proskauer.com

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Exhibit 4

Sandak, Lawrence R.

From: Chris <chager@n-blaw.com>
Sent: Tuesday, August 09, 2016 6:58 PM
To: Sandak, Lawrence R.
Cc: Guerrasio, Edna D.
Subject: Re: Hermès of Paris, Inc. v. Matthew Swain, Civil Action No. 1:16-cv-06255-CM-GWG

Larry, we object to the SDNY having jurisdiction over this matter, and Mr. Swain, which was pending in the NJ Superior Court before the Hermès petition was improperly filed, and is governed by NJ law. There was and is no agreement to the contrary signed by or accepted by Mr. Swain. As a result, service cannot be effectuated as you contend and anything filed in the SDNY to the contrary will be opposed.

I will be happy to discuss the posture of this matter currently venued in the NJ Superior Court if you'd like.

Thanks,

Chris

Sent from my iPhone

On Aug 9, 2016, at 5:26 PM, Sandak, Lawrence R. <LSandak@proskauer.com> wrote:

Dear Chris:

As discussed earlier today, on behalf of Hermès of Paris, Inc., I attach for service the following documents:

- Cover letter dated August 8, 2016 addressed to Matthew Swain;
- Civil Cover Sheet;
- Rule 7.1 Disclosure Statement;
- Petition to Compel Arbitration and Enjoin Pending State Court Action Pursuant to Section 4 of the Federal Arbitration Act and the Anti-Injunction Act;
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Thank you for agreeing to accept service on behalf of Mr. Swain. We will file the appropriate certificate of service with the court.

Larry

Lawrence R. Sandak
Partner

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<2 - Civil Cover Sheet.PDF>

<3 - Rule 7.1 Disclosure Statement.PDF>

<1 - Petition.PDF>

<4 - Notice of Petition.PDF>

<5 - Memorandum of Law.PDF>

<6 - Declaration of LRS w_exhibits.PDF>

<Individual Practices and Procedures of Judge Colleen McMahon.PDF>

<Individual Practices of Magistrate Judge Gabriel W. Gorenstein.PDF>

<ECF Rules and Instructions.PDF>

<Matthew Swain 8.8.16.PDF>

Exhibit 5

Sandak, Lawrence R.

From: Sandak, Lawrence R.
Sent: Wednesday, August 10, 2016 6:12 PM
To: 'AAA Joanne Saint Louis'; chager@n-blaw.com
Subject: RE: Hermes of Paris, Inc. V. Matthew Swain - Case 01-16-0002-9429

Dear Ms. Saint Louis,

A mediation can only go forward if both parties are willing participants. Since Mr. Swain has declared his intention not to participate in the mediation, it appears that this dispute cannot be resolved through the AAA's mediation services.

Thank you for your assistance in processing this matter.

Lawrence R. Sandak
Partner

Proskauer
One Newark Center
Newark, NJ 07102-5211
d 973.274.3256
f 973.274.3299
lsandak@proskauer.com

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From: AAA Joanne Saint Louis [<mailto:JoanneSaintLouis@adr.org>]
Sent: Tuesday, August 09, 2016 12:06 PM
To: Sandak, Lawrence R.; chager@n-blaw.com
Subject: Hermes of Paris, Inc. V. Matthew Swain - Case 01-16-0002-9429
Importance: High

Dear Parties,

Please advise the AAA of the status of the mediator selections in the above referenced case. Please be advised that the both parties selections were due on August 8, 2016. As of today, no selections were returned. Please provide a case status by the end of business today. Thank you



Joanne Saint Louis
Director of ADR Services

American Arbitration Association
150 East 42nd St, 17th Floor, New York, NY 10017
T: 401 431 4777 / 646 240 4623 F: 866 644 0234
www.adr.org

Heather Santo, Director
Northeast Case Management Center

use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

Exhibit 6



AMERICAN
ARBITRATION
ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

Northeast Case Management Center
Heather Santo
Assistant Vice President
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East Providence, RI 02914
Telephone: (866) 293-4053
Fax: (866) 644-0234

August 11, 2016

Lawrence R. Sandak, Esq.
Proskauer Rose LLP
1 Newark Center
Newark, NJ 07102
Via Email to: lsandak@proskauer.com

Christopher W. Hager, Esq.
Niedweske Barber, LLC
98 Washington Street
Morristown, NJ 07960
Via Email to: chager@n-blaw.com

Case Number: 01-16-0002-9429

Hermes of Paris, Inc.
-and-
Matthew Swain

Dear Parties:

This will confirm receipt of advice that the above-captioned matter has been withdrawn. Therefore, the Association will close its file.

Pursuant to the AAA's current policy, in the normal course of our administration, the AAA may maintain certain electronic case documents in our electronic records system. Such electronic documents may not constitute a complete case file. Other than certain types of electronic case documents that the AAA maintains indefinitely, electronic case documents will be destroyed 18 months after the date of this letter.

Thank you for using the mediation services of the American Arbitration Association.

Sincerely,
Joanne Saint-Louis
Director
Direct Dial: (401) 431-4777
Email: joannesaintlouis@adr.org
Fax: (866) 644-0234

cc :